

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Claims 13-17, 30-34, and 42-46 remain pending. By this amendment, the claims have not been amended.

§103 Rejection of Claims 13-17, 30-34, and 42-46

On page 2 of the Office Action, the Examiner has rejected claims 13-17, 30-34, and 42-46 under 35 U.S.C. §103(a) as being unpatentable over Alcorn et al. (U.S. Patent 6, 104, 815; hereinafter referred to as “ Alcorn 815 ”) in view of Alcorn et al. (U.S. Patent 5, 643, 086; hereinafter referred to as “ Alcorn 086 ”) and further in view of Arbaugh et al. (U.S. Patent 6, 185, 678; hereinafter referred to as “ Arbaugh ”). This rejection is respectfully traversed below.

Regarding claim 30, claim 30 calls for:

30. An entertainment system comprising:
 an entertainment apparatus having a function to execute a program; and
 a portable information terminal detachably connected to said entertainment apparatus and having an interface for being electrically connected to said entertainment apparatus;
 said portable information terminal comprising:
 illegal copying prevention means for periodically determining whether legitimate information has been downloaded from said entertainment apparatus or not, and if legitimate information has not been downloaded, making ineffective at least control inputs entered into said portable information terminal,
 said illegal copying prevention means comprising:
 identification determining means for determining whether a source medium identification code which has been downloaded from said entertainment apparatus is a predetermined source medium identification code or not, said source medium identification code identifying a source medium containing at least one program executable in said portable information terminal,

where one or more of said at least one program has been downloaded from the source medium through the entertainment apparatus and stored in the portable information terminal.

Accordingly, in one aspect of claim 30, the portable information terminal includes illegal copying prevention means. The illegal copying prevention means periodically determines whether legitimate information has been downloaded from the entertainment apparatus or not. If legitimate information has not been downloaded, the illegal copying prevention means making ineffective at least control inputs entered into the portable information terminal. Therefore, it is the portable information terminal that determines whether legitimate information has been downloaded and makes control inputs ineffective, not the entertainment apparatus.

The illegal copying prevention means of claim 30 include identification determining means. The identification determining means determine whether a source medium identification code downloaded from the entertainment apparatus is a predetermined source medium identification code or not. A source medium contains at least one program executable in the portable information terminal. A source medium identification code identifies the source medium. The portable information terminal downloads one or more of the programs from the source medium through the connected entertainment apparatus and stores the downloaded program. The portable information terminal also downloads the source medium identification code from the entertainment apparatus. The identification determining means determines whether the downloaded source medium identification code is a predetermined source medium identification code. If not, the illegal copying prevention means of the portable information terminal makes ineffective at least control inputs entered into said portable information terminal. Therefore, the source medium identification code identifies a source medium from which a program is downloaded to the portable information terminal through the entertainment apparatus.

In this way, the portable information terminal can provide unauthorized copying prevention (see, e.g., the Specification at pages 80-86).

Considering the Examiner's rejection of claim 30 on page 2 of the Office Action, it does not appear that the arguments presented by the Examiner in rejecting claim 30 over the cited combination of Alcorn 815, Alcorn 086, and Arbaugh establish how this cited combination show or suggest claim 30. In particular, it does not appear that the examiner has established how these references show or suggest the identification determining means and the use of a source medium identification code as called for in claim 30. The examiner appears to argue that Arbaugh at column 4 line 33 through column 5 line 26 shows the identification determining means of claim 30. It appears that this portion of Arbaugh discusses a system for insuring the integrity of the bootstrap process using integrity validation at layer transitions in the bootstrap process. It appears that these integrity checks compare a cryptographic hash value with a stored digital signature associated with each bootstrap component (see Arbaugh at column 4 lines 33 through 45). Accordingly, it appears that the examiner is arguing that the comparison of the cryptographic hash value with the digital signature shows the determination in the identification determining means of claim 30 whether the downloaded source medium identification code is a predetermined source medium identification code or not. However, in claim 30, the source medium identification code identifies a source medium storing a program executable by the portable information terminal. It appears that the digital signature in the referenced passage of Arbaugh corresponds to one of the bootstrap components itself and does not appear to correspond to a storage medium or source medium storing a bootstrap component. Therefore, it does not appear that the digital signature in the referenced portions of Arbaugh shows the source medium identification code of claim 30. Similarly, it does not appear that the comparison

referenced by the examiner shows the determination in the identification determining means of claim 30. Without further explanation by the Examiner, it is submitted that the Examiner has not established how the cited combination of Alcorn 815, Alcorn 086, and Arbaugh show or suggest this aspect of claim 30.

Accordingly, it does not appear that the Examiner has established how the cited combination of Alcorn 815, Alcorn 086, and Arbaugh, as referenced by the Examiner, shows or suggests at least these aspects of claim 30, and so it is submitted that the Examiner has not established how the cited combination of Alcorn 815, Alcorn 086, and Arbaugh shows or suggests claim 30 as a whole. Claims 31-34 depend from claim 30, and it is also submitted that the Examiner has not established how the cited combination of Alcorn 815, Alcorn 086, and Arbaugh shows or suggests claims 31-34, through their dependence on claim 30. Similar arguments apply to claims 13 and 42, and so to claims 14-17 that depend from claim 13, and 43-46 that depend from claim 42.

In addition, regarding claim 31, the examiner appears to argue that Alcorn 815 shows the illegal copying prevention means called for in claim 31. It appears that the examiner argues that "bets" show the control inputs entered into the portable information terminal and "correct time and location" show downloading legitimate information as called for in claim 31. However, the legitimate information in claim 31 is downloaded from the entertainment apparatus to the portable information terminal. It does not appear that the examiner has explained how Alcorn 815 shows that "correct time and location" is downloaded from a server to a laptop. Without further explanation by the Examiner, it is submitted that the Examiner has not established how the cited combination of Alcorn 815, Alcorn 086, and Arbaugh show or suggest this aspect of claim 31.

In addition, regarding claim 34, the examiner appears to argue that Alcorn 815 shows the periodic download determining means called for in claim 34. It appears that the examiner argues that the " current time of user " and " time for legalized betting time in user's location " shows the dates stored in the first and second memory areas of claim 34. However, as shown in claim 34, the first and second memory areas store the present year, month, and date. It does not appear that the " time for legalized betting time in user's location " is a present time. Therefore, it does not appear that the examiner has explained how Alcorn 815 shows the periodic download determining means called for in claim 34.

Based upon the foregoing, it is submitted that claims 13-17, 30-34, and 42-46 are not anticipated by nor rendered obvious by the teachings of Alcorn 815, Alcorn 086, and Arbaugh, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 13-17, 30-34, and 42-46 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 13-17, 30-34, and 42-46 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are

made simply for clarification and to round out the scope of protection to which Applicants are entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:


Hans R. Mahr, Reg. No. 46,138 for

William S. Frommer

Reg. No. 25,506

(212) 588-0800